

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:09CR50
vs.)	
)	PRELIMINARY ORDER
LEONEL PLESENT,)	OF FORFEITURE
)	
Defendant.)	

NOW ON THIS 14th day of May, 2009, this matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts III and IV of said Indictment. Count III of said Indictment charges the Defendant with being an unlawful user in possession of firearms, a violation of 18 U.S.C. § 922(g)(3). Count IV of said Indictment charges the Defendant with using a model 151 S.S. Kresge Co. .410 gauge shotgun, serial number 605482, with an overall length of 19 ½" and a barrel length of 12", a model 1986 TABUK 7.62x39mm rifle, serial number 2039560, a model 916 S&W 12 gauge shotgun, serial number B04953, a Mossberg .410 gauge shotgun, serial number K730789, a Mossberg 12 gauge shotgun, serial number J982232, a Maadi ARM .7.62x39mm rifle, serial number AC0068229, a Romarm 7.62x39 caliber rifle, serial number 1-51892-03, a model 1986 TABUK 7.62x39mm rifle, serial number 2039560, a model 1911-A1 Springfield Armory .45 caliber pistol, serial number NM74339, a model 102 High Standard Sport King .22 caliber pistol, serial number 1059427, a Thompson Center Arms .224 caliber pistol, serial number 369788, a model 03A3 Remington 30-06

caliber bolt action rifle, serial number 4128318, a model 30 series A Savage 12 gauge shotgun, serial number A631119, a model 3T Ted Williams .22 caliber rifle, serial number R221895, O.F. Mossberg&Sons Inc. .22 caliber rifle, with no serial number, an unknown brand .22 caliber lever action rifle, with no serial number, a model SW9VE S&W 9mm pistol, serial number PDX5070, a Sig Sauer .45 caliber pistol, serial number 141566, a Berretta PX4 Storm 9mm pistol, serial number PX31943, a Sturm Ruger .223 caliber rifle, serial number 188-37845, and a Sturm Ruger .223 caliber rifle, serial number 188-43683, on the basis they were firearms involved or used in the knowing commission of the offense charged in Count III.

2. By virtue of said plea of guilty, the Defendant forfeits his interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Count IV of the Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the above-referenced firearms.

C. The Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C., § 853(n)(1).

D. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C., § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C., § 853(n), in which all interests will be addressed.

ORDERED this 14th day of May, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON, CHIEF JUDGE
United States District Court